

ATTORNEY DOCKET NUMBER  
073813.0110

PATENT  
10/771,272

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jimmy B. Eubank  
Serial No.: 10/771,272  
Filed: February 3, 2004  
Art Group: 3772  
Examiner: Michael A. Brown  
Confirmation No.: 2328  
For: Oral Appliance for Maintaining Stability of One or More  
Aspects of a User's Masticatory System

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION (37 C.F.R. §1.321 (c)) AND  
CERTIFICATE UNDER 37 C.F.R. §3.73 (b)**

I, Jimmy B. Eubank, represent that I am the exclusive owner of the entire right, title and interest of, in and to:

- U.S. Patent Application Serial No. 10/771,272, filed on February 3, 2004, for "Oral Appliance for Maintaining Stability of One or More Aspects of a User's Masticatory System" (the "'272 Application");
- U.S. Patent Application Serial No. 10/308,311, filed on December 2, 2002, for "Oral Appliance for Maintaining Stability of One or More Aspects of a User's Masticatory System" (the "'311 Application"); and
- U.S. Patent No. 6,886,566, granted May 3, 2005 (the "'566 Patent").

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Furthermore, I declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

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the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

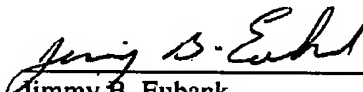
I hereby disclaim the terminal part of any patent which may grant from the '272 Application that would extend beyond the expiration dates of the '566 Patent and any patent which may grant from the '311 Application. I hereby agree that any patent so granted on the '272 Application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '566 Patent and to any patent which may grant from the '311 Application, this agreement to run with any patent granted on the '272 Application and to be binding upon the grantee, its successor or assigns.

I, however, do not disclaim any terminal part of any patent which may grant from the '272 Application prior to the expiration of the full statutory term of the '566 Patent and the full statutory term of any patent which may grant from the '311 Application, in the event that one or more of the following occurs: either the '566 Patent or any patent which may grant from the '311 Application expires for failure to pay maintenance fees, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), or has all claims canceled by reexamination certificates or is otherwise terminated prior to expiration of its statutory terms as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

I request that the \$65.00 fee required by 37 C.F.R. 1.20(d) for this Terminal Disclaimer be charged to Deposit Account No. 02-0384 of Baker Botts L.L.P. The Commissioner is also hereby authorized to charge any additional fee or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

4-18-2008  
Date

  
Jimmy B. Eubank  
Exclusive Owner